

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

PHILLIP WAYNE PETTY

Defendant-Appellant.

UNPUBLISHED

July 5, 1996

No. 183725

LC No. 93-3125-FH

Before: Smolenski, P.J., and Holbrook, Jr., and F. D. Brouillette,* JJ.

PER CURIAM.

Defendant appeals by leave granted his conviction of delivery of a controlled substance less than fifty grams, MCL 333.7401(2)(a)(iv); MSA 14.15(7401)(2)(a)(iv). We affirm.

Defendant first argues that there was insufficient evidence to support his conviction. An undercover officer testified that she heard defendant discuss the cocaine sale and witnessed the transaction from a short distance. The officer saw the drugs after the purchase and seized a portion of them. Defendant was the only one at the scene when the buyer approached him, and the officer and buyers' search of several hours for crack ended after the meeting with defendant. This evidence was sufficient to determine that a rational trier of fact could find the essential element of the crime were proven beyond a reasonable doubt. *People v Wolfe*, 440 Mich 508, 515; 489 NW2d 748 (1992).

Defendant next argues that the undercover officer's conduct with the buyer was outrageous and should have been considered a form of entrapment. This argument fails because the allegedly outrageous conduct was directed at the buyer, not defendant. *People v Patrick*, 178 Mich App 152, 159; 443 NW2d 499 (1989); *People v Forrest*, 159 Mich App 329, 333; 406 NW2d 290 (1987). Nothing in the record indicates that the police induced defendant's conduct, but rather the evidence inferred that defendant was ready and willing to sell cocaine at request and had a supply of the contraband available. *People v Crawford*, 143 Mich App 348, 353; 372 NW2d 550 (1985), aff'd 429 Mich 151.

* Circuit judge, sitting on the Court of Appeals by assignment.

Affirmed.

/s/ Michael R. Smolenski

/s/ Donald E. Holbrook, Jr.

/s/ Francis D. Brouillette